

Enforcement for the Digital Age – Challenges of Consumer Protection

Dr. Petra Leupold, LL.M. (UCLA)
Head of VKI Academy and Dep. of Knowledge Management
Legal Department
Association for Consumer Information (VKI)
Austria, 1060 Vienna, Linke Wienzeile 18
E-Mail: pleupold@vki.at
www.verbraucherrecht.at
www.vki-akademie.at

Status quo

- High level of consumer protection / consumer rights
- Lack of enforcement and redress mechanisms
 - Unfair Commercial Practice Directive: no remedies / redress
 - Injunction Directive: no link to individual redress; no effectiveness in a cross-border context due to procedural obstacles and related costs

- No collective redress mechanisms
 - Recommendation on common principles in 2013
 - Assessment in July 2017
- Alternative Dispute Resolution (ADR): a complementary instrument

Collective Redress

- Violations of EU consumer law across the single market
 - a European problem
 - no European answer
- In re Volkswagen – Dieselgate
- In re Facebook v Max Schrems (ECJ pending)

Why it matters

- There are no consumer rights without enforcement and redress
- No level playing field / Access to Justice
- No deterrent for efficient breach of law
- E.g.: no compensation for European consumers vs US consumers (VW case)